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APPLICATION NO. FILING DATE FIRST NAMED INVENTOR ATTORNEY DOCKET NO. 09/424,498 02/15/00 SCHWARZ Н BHV-314.01 **EXAMINER** HM12/0622 TOWNSEND AND TOWNSEND AND CREW LLP SCHNIZER, H TWO EMBARCADERO CENTER **ART UNIT** PAPER NUMBER 8TH FLOOR SAN FRANCISCO CA 94111-3834 1653 **DATE MAILED:** 06/22/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks



09/424,498

Schwarz et al.

Art Unit 1653

Holly Schnizer Examiner

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DETAILED ACTION

Status of the Claims

The Preliminary Amendment filed February 15, 2000 (Paper No. 5) has been entered.
 Claims 1-30 have been canceled and Claims 31-63 have been added.

Election/Restriction

- 2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.
- 3. In accordance with 37 CFR 1.499, applicant is required, in response to this action, to elect a single invention to which the claims must be restricted.

Group I, claims 31-44, drawn to a pharmaceutical preparation comprising a von Willebrand (vWF) propeptide.

Group II, claims 45-55, drawn to a method of producing the pharmaceutical preparation containing vWF propeptide.

Group III, claims 56-58, drawn to a method of treating a patient at risk of a blood coagulation disorder.

Group IV, claims 59-63, drawn to a method of improving the compatibility of vWF preparations administered to patients.

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2. The inventions listed as Groups I-IV do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

- 4. The technical feature linking Groups I-IV appears to be that they all relate to a pharmaceutical preparation containing vWF propeptide. However, vWF propeptide compositions patentably indistinguishable from the claimed compositions were known in the art at the time of the invention (for example, see Takagi et al. J. Biol. Chem. (1989) 264(11): 6017-6020 and Fujisawa et al. Eur. J. Biochem. (1991) 196(3): 673-677). Therefore, the technical feature linking the inventions of Groups I-IV does not constitute a special technical feature as it does not define a contribution over the prior art.
- 9. The special technical feature of Group I is a pharmaceutical composition comprising a vWF propeptide.
- 10. The special technical feature of Group II is a method of producing a pharmaceutical composition containing a vWF propertide.
- 11. The special technical feature of Group III is a method of treatment using a composition containing a vWF propeptide.
- 5. The special technical feature of Group IV is a method of improving the compatibility of vWF preparations that are administered to patients.

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12. Accordingly, Groups I-IV are not so linked by the same or a corresponding special

technical feature as to form a single general inventive concept.

13. Applicant is advised that the reply to this requirement to be complete must include an

election of the invention to be examined even though the requirement be traversed (37 CFR

1.143).

14. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the

inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently

named inventors is no longer an inventor of at least one claim remaining in the application. Any

amendment of inventorship must be accompanied by a petition under 37 CFR 1.48(b) and by the

fee required under 37 CFR 1.17(i).

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Holly Schnizer whose telephone number is (703) 305-3722. The examiner can normally be reached Monday and Thursday from 8 am to 5:30 pm and Tuesday and

Wednesday from 9 am to 2:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Low, can be reached at (703) 306-4119. The fax phone number for Official Papers to this Group is (703) 308-4242. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 308-0196.

Holly Schnizer, Ph.D. June 18, 2001

KAREN COCHRANE CARLSON, PH.D PRIMARY EXAMINER